

MINORITY VIEWS  
H.R. 3275, TO IMPLEMENT THE “INTERNATIONAL CONVENTION FOR THE  
SUPPRESSION OF TERRORIST BOMBINGS” AND  
THE “INTERNATIONAL CONVENTION OF THE SUPPRESSION OF  
THE FINANCING OF TERRORISM”

While we support the prompt ratification and implementation of the International Conventions for the Suppression of Terrorist Bombings and the Suppression of the Financing of Terrorism, we are concerned that H.R. 3275 includes controversial changes to U.S. domestic law that go well beyond the limited changes required to bring our laws into conformity with the requirements of those agreements.<sup>1</sup>

Chief among these is the provision in Title I that authorizes the imposition of the death penalty for the offenses set forth in section 102.<sup>2</sup> At the Committee markup, Reps. William D. Delahunt (D-MA) and Bobby Scott (D-VA) offered an amendment to delete this language, leaving in place the provision authorizing a maximum sentence of life imprisonment, but it was rejected by voice vote.

This is surprising considering that the Administration has acknowledged that capital punishment is not required to implement the Conventions.<sup>3</sup> In fact, not only is it not required under the Conventions, but it actually could impair the fight against international terrorism by making it harder for the Justice Department to secure extradition in these kinds of cases. This is because America’s continued resort to the death penalty has brought condemnation from numerous nations across the globe. Even some of our closest allies routinely refuse to honor extradition requests by the United States unless their judicial authorities can be assured that the defendants will not face execution.<sup>4</sup> Given this situation, we do not see how it serves American

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<sup>1</sup>Department of Justice Memorandum to House Crime Subcommittee (Response to Request by Members of Subcommittee for More Input) 1 (Nov. 14, 2001) (hereinafter the “DOJ Memorandum”).

<sup>2</sup>See H.R. 3275 § 102(a), 107th Cong., 1st Sess. (proposed 18 U.S.C. § 2332f(c)).

<sup>3</sup>*Hearing on H.R. 3275 Before the Subcomm. on Crime of the House Comm. on the Judiciary*, 107th Cong., 1st Sess. (Nov. 14, 2001) (testimony of Michael Chertoff, Assistant Att’y General, Criminal Division, U.S. Dep’t of Justice); DOJ Memorandum, *supra*.

<sup>4</sup>See, e.g., the recent decision by the Supreme Court of Canada, holding that the Canadian Charter of Rights and Freedoms precludes extradition to the United States absent assurances by U.S. authorities that the death penalty would not be imposed. *United States v. Burns*, 1 S.C.R.283 (2001). See also *New Murder Trial Granted for Fugitive Extradited From France*, N.Y. TIMES, Nov. 15, 2001, at A25 (United States officials required to assure the French authorities that longtime fugitive Ira Einhorn would not be eligible for the death penalty in his new trial); Benjamin Weiser, *South Africa Rules On Terror Suspect*, N.Y. TIMES, at B4, May 29, 2001 (South African Constitutional Court ruling that suspect on trial in Manhattan in connection with